PRELIMINARY
REGULAR MEETING DES MOINES CITY COUNCIL

MINUTES February 27, 2003

The regular meeting of the Des Moines City Council was called to order at 7:32 p.m. by Mayor Steenrod in the Council Chambers, 21630 11th Avenue South, Suite B.

PLEDGE OF ALLEGIANCE to the Flag was led by Councilmember White.

ROLL CALL - Present: Mayor Maggie Steenrod, Councilmembers Gary Petersen, Bob Sheckler, Scott Thomasson, Don Wasson and Susan White. Absent: Mayor Pro Tem Richard Benjamin. Also present were City Manager Tony Piasecki, Assistant City Manager Corbitt Loch, City Attorney Linda Marousek, Park and Recreation Director Patrice Thorell, Finance Director Paula Henderson, Community Development Director Judith Kilgore and Deputy City Clerk Angela Chaufty.

> **MOTION** was made by Councilmember Wasson, seconded by Councilmember Thomasson, and passed unanimously to excuse Mayor Pro Tem Benjamin from the meeting.

COMMENTS FROM THE PUBLIC

Alli Larkin, 21937 7th Avenue South, #210

> Ms. Larkin applauded City Attorney Marousek for her victory in the Wescot versus Des Moines lawsuit. She distributed two pictures of people digging at the Des Moines Beach Park. She informed Council that the City of Seattle had proposed an ordinance to make seven saltwater parks safer and better for marine life and visitors. Ms. Larkin asked Council to consider adopting a similar ordinance for Des Moines. She gave the City Attorney a copy of Seattle's proposed ordinance.

Mysty Beal, 22628 16th Avenue South

> Ms. Beal commended City Attorney Marousek for her successful defense of the Wescot versus Des Moines lawsuit regarding the conveyor belt.

BOARD & COMMITTEE REPORTS

Association of Washington Cities (AWC) Conference

> Councilmember Sheckler announced that he had attended the AWC Conference in Olympia last week. He said it was a valuable opportunity to meet and discuss common issues and concerns with state legislators and other city officials. He informed Council that a bill that would allow the Port of Seattle to disregard the Pollution Control Hearing Board and Court of Appeals' decisions regarding the clean fill that is required to build a third runway had been proposed in the House of Representatives. Councilmember Sheckler thanked the 33rd District Legislators for their opposition to the bill. He said that he remains optimistic that the bill will fail. Councilmember Sheckler also thanked the many citizens who provided testimony against it.

Economic Development Plan

> In light of the Chamber of Commerce President's recent negative comments regarding the media, 33rd District legislators, City councilmembers, City staff, citizens, the Airport Communities Coalition, and groups affiliated with fighting the third runway, Councilmember Sheckler said

that he hoped Council could consider the overall picture of economic development. He said that Des Moines needed a good economic development program that would benefit everyone.

Association of Washington Cities Conference

Councilmember White reported that she had also attended the AWC Conference. She noted that several cities were experiencing tight economic conditions. Councilmember White informed Council that she had testified before the House of Representatives and Senate regarding the bill mentioned by Councilmember Sheckler. She commended the 33rd District Legislators for their opposition to the bill.

PRESIDING OFFICER'S REPORT

Municipal Facilities Committee

Mayor Steenrod announced that the committee had met to discuss Marina rates. The proposed rates should be presented to Council for review and adoption with a few weeks.

ADMINISTRATION REPORTS

Fishing Pier Repairs

City Manager Piasecki announced that repairs to the fishing pier were expected to be completed on February 28, 2003.

Mount Rainier Pool

City Manager Piasecki reported that Des Moines, SeaTac and the Highline School District had paid their full portion of the promised funding for the Mount Rainier Pool. The City of Normandy Park would be submitting payments on a quarterly basis.

Association of Washington Cities Conference

City Manager Piasecki informed Council that he had attended the AWC conference. Information regarding various bills that could impact Des Moines had been distributed to Council.

Response to February 13, 2003 Comments from the Public – Michael Dannels

City Manager Piasecki reported that he and the Public Works Director had met with Mr. Dannels to discuss the issues involving his driveway.

Pacific Highway South Community Visioning Workshop

City Manager Piasecki announced that a community visioning workshop for the Pacific Highway South Project would be conducted Saturday, March 1, 2003 at Highline Community College, Building 2 from 9:00 a.m. to Noon. He invited all interested citizens to attend.

City of Kent Boundary Talks

City Manager Piasecki informed Council that the City of Kent had indicated that it was no longer a high priority for them to straighten the boundary between the two cities. He explained that Kent was seeking a revenue neutral solution. City Manager Piasecki had encouraged them to also consider the expenses incurred by some of the properties when determining the financial estimates. City Manager Piasecki reported that he had proposed straightening the border along Pacific Highway South between Kent-Des Moines Road and South 240th Street or between Kent-Des Moines Road and approximately South 253rd Street. A copy of the City of Kent's letter had been distributed to Council.

Mayor Steenrod confirmed that City Manager Piasecki would respond to the City of Kent's letter.

Wescot Versus City of Des Moines

City Attorney Marousek informed council that Wescot Company had sued Des Moines twice last summer. The first suit was prior to the Hearing Examiner's decision regarding whether the Council had the right to not sign the permit application for the conveyor belt. That case was removed to federal court pending the outcome of the second case. The second suit, a Land Use Petition Act (LUPA) case, was heard by Judge Lum in state court this afternoon. Specifically, the case challenged the Hearing Examiner's decision that said that the City Council had the right to use the park as it wished and the City could not be forced into doing something that it did not want to do. Judge Lum ruled that he had no authority under the Land Use Petition Act to review the petition. The case was dismissed. City Attorney Marousek said that Co-Counsel Mike Walters was now working to dispose of the federal case.

CONSENT CALENDAR was read by Deputy City Clerk Chaufty.

1. Motion is to approve the special and regular meeting minutes of February 13, 2003.

2. Findings: Vouchers audited and certified by the auditing officer as required by RCW 42.24.080, and those expense reimbursement claims certified as required by RCW 42.24.090, have been recorded on a listing which has been made available to the City Council.

Motion: As of this date the Des Moines City Council, by unanimous vote, does approve for payment those vouchers and payroll transfers included in the above list and further described as follows:

Claim checks #84249 through #84402 & electronic fund transfers in the total amount of $480,061.51

Payroll fund transfers in the total amount of $333,046.70

3. Motion is to approve the surplusing of old Motorola 9100-T MDT's and two VRM600 radio modems from the Police Department and authorize disposing of by auction, sale or transfer to other department or agencies.

4. Motion is to approve the supplemental appendix (Exhibit "A") to the agreement with Valley Communication Center, agreeing to the rate of $21.09 for each dispatchable call, and to authorize the City Manager to sign the agreement substantially in the form as submitted.

Upon questioning from Mayor Steenrod, Deputy City Clerk Chaufty confirmed that the minutes from January 23, 2003 would be presented for Council's approval at the next regular meeting.

MOTION was made by Councilmember White, seconded by Councilmember Wasson, and passed unanimously to approve the consent calendar as read.

NEW BUSINESS

Draft Ordinance No. 03-036 Marina Rates 1st Reading

City Manager Piasecki reminded Council that, under the authority of Rule 9 of the City Council Rules of Procedure, Mayor Steenrod had removed Draft Ordinance No. 03-036 regarding Marina rates from the Agenda. He asked Council to determine whether the subject should be placed on a future meeting agenda for action. If so, he recommended that it be placed on the March 13, 2003 agenda. City Manager Piasecki informed Council that the Municipal Facilities Committee concurred with this recommendation.

MOTION was made by Councilmember White, seconded by Councilmember Wasson, and passed unanimously to place Draft Ordinance No. 03-036 on the agenda of the March 13, 2003 meeting.

Ad Hoc Parks, Recreation & Senior Services Master Plan Citizens Committee Report

Park and Recreation Director Thorell informed Council that over 500 volunteer hours had been dedicated to the Parks, Recreation and Senior Services Master Plan process. She had the members of the Ad Hoc Committee in the audience stand. Park and Recreation Director Thorell said that committee members Shelly Parker, Gary Hisel, Vic Anderson, Lauren Lord, and Joan Allan would present their findings and recommendations to Council.

Mr. Hisel informed Council that the committee had surveyed citizens and had received much information. As several citizens wanted the Senior Center to stay at the Beach Park, Mr. Hisel suggested that Council research refurbishing the facility at that location.

Mr. Anderson reported that the committee recommended that the city build around the waterland theme. He mentioned attracting sailing schools or sailboard meets as examples of this. Mr. Anderson said that he would have liked to collect input from more young people. He reported that the committee had prioritized the development, repair, and renovations of facilities. They recommended that the City acquire land identified as a priority and provide a sports parks for the south end of the City. The Finance subcommittee had reviewed funding options including grants, levy lid lifts, bond issues, and interlocal agreements. Stating his own opinion, Mr. Anderson said that he believed the City needed an industrial base and a mixed income stream. Mr. Anderson informed Council that the committee had studied the current level of service standards, the Transportation Plan and bicycle pedestrian routes.

Ms. Lord reviewed a chart of communitywide park needs. Based upon the Park and Recreation Master Plan standard of 8.5 acres of park land per 1,000 population, Ms. Lord reported that park land in Central Des Moines, Woodmont East, North Hill, and Zenith were significantly insufficient. She identified the following major issues facing Parks, Recreation, and Senior Services:

- Aging and flood/water damaged recreation buildings.
- Lack of adequate recreation facilities such as play equipment, lighting, restrooms, and parking.
- Population and program growth faster than facility development.
- Demographic shifts to an increase of latch key youth and aging society.
- Legal and ethical requirements to care for the city’s natural resources and existing parks.
- Scare funding resources available.

Ms. Parker reviewed the following Master Plan capital policy recommendations:

- Dedicate a sustainable portion of Real Estate Excise Tax as an ongoing capital funding source for the major capital maintenance of existing recreation buildings and park facilities.

- Utilize levy lid lift funding in the amount of $0.20 for multiple park projects throughout Des Moines and a citizen voted bond issue to fund the community center project.
- Actively seek joint use and shared cost opportunities such as: interlocal agreements with other governmental agencies, collaborative opportunities with interdepartmental projects, public/private partnerships and volunteerism to develop and maintain parks and facilities.
- Support economic development (especially in the downtown, Port of Seattle buyout area and Pacific Highway South) through creation of a more aesthetically pleasing environment such as: city gateways and signage to include directional road signs to recreational facilities, well kept streetscapes, banners, and flower baskets.
- Provide adequate parking at all recreational facilities.
- Support Marina and Redondo Waterfront Improvement Plans capitalizing on Des Moines' best recreational feature, its waterfront amenities.

Ms. Parker briefly highlighted the priority project list contained in Council's packet. She identified Priority One projects as those projects currently underway, one-time opportunities, or meeting multiple needs. Priority Two projects were those that should be planned for implementation between 2003 and 2008 or as opportunities become available. Priority Three projects were defined as those projects that met needs currently identified and were planned for implementation as opportunities become available.

In response to Councilmember Sheckler's questioning, Finance Director Henderson informed Council that the city's current taxing level was $1.32/$1,000.

Since the city was partnering with local schools for sports fields, Councilmember Thomasson asked that the portion of school property utilized for sport park development be included in the park acreage chart. He also asked that new projects in the Master Plan be indicated differently from existing projects.

In response to Councilmember Thomasson's questioning, Ms. Parker explained that the committee did not include the purchase of the property next to Midway Park in the proposed Master Plan as they could not identify a funding source.

Park and Recreation Director Thorell explained that, ideally, park property should be at least one half acre in size so that it can serve a purpose for the City.

In regard to the proposed dog park, Councilmember Thomasson said that he felt it was more important to provide people with park land and that he was not in favor of taking away existing park land for this purpose. He stated that Council was dealing with a budget shortfall and noted that the Parks, Recreation and Senior Services Master Plan fits into a larger financial picture.

Park and Recreation Director Thorell said that any volunteers willing to assist with park programs, facilities or maintenance should contact the Park and Recreation department.

Ms. Allan asked Council to provide direction to the committee. She said that the committee recommended that a Park and Recreation Advisory Board be appointed once the Master Plan process was implemented.

City Manager Piasecki said that continued review of the Master Plan would be scheduled for the April study session.

At 8:54 p.m., Mayor Steenrod announced an eight-minute break.

Draft Resolution No. 02-269 Adoption of an Economic Development Plan

Mayor Steenrod introduced the subject. She felt it was important for the City to develop an Economic Development Plan.

Community Development Director Kilgore urged Council to consider the Economic Development Plan a strategy or action plan rather than a traditional land use plan. She stated that the plan was designed to provide direction, flexibility, and a system of checks and balances. Community Development Director Kilgore said that successful economic development plans addressed business development and retention, infrastructure development, and workforce development.

Mayor Steenrod explained that the Finance and Economic Development Committee sought to develop a plan that set direction, focused on key areas, and allowed staff flexibility to use their expertise.

Councilmember Sheckler said that he was in favor of economic development but had serious concerns since the proposed resolution stated that the success of the economic development plan was dependent upon a partnership between the City and the Chamber of Commerce. He said that he was concerned that the Chamber president had identified city staff, legislators and others as enemies. Councilmember Sheckler felt that those groups were essential to the success of an economic development plan. He asked the Chamber of Commerce to address his concerns.

Mayor Steenrod clarified that the purpose of a Chamber of Commerce was to serve as an advocate for businesses, attract businesses to the City, and assist with business growth. She said that the economic development plan referred to the Chamber of Commerce as an entity rather than as an individual. The plan was designed to coordinate with other groups' efforts.

Councilmember Sheckler recognized the importance of a collaborative effort but questioned how the plan could succeed if hostilities existed. He said that he would like to see the Chamber of Commerce show that they wanted to collaborate with the City to promote economic development.

Mayor Steenrod asked Community Development Director Kilgore to contact the Chamber of Commerce about the concerns voiced and obtain feedback.

Councilmember White said that if the City was going to partner with the Chamber of Commerce, they should present their items directly to Council rather than through the Community Development Director.

Mayor Steenrod stated that Ed Coumou, on behalf of the Chamber of Commerce, had originally approached the City regarding economic development.

Councilmember Sheckler said that his concern was that the new leadership of the Chamber of Commerce had indicated that he was not willing to work with other factions. Councilmember

Sheckler said that he wanted the Chamber to say that they were willing work with the other groups.

Mayor Steenrod said that she understood and accepted the concerns Councilmember Sheckler had about the current Chamber of Commerce leadership. She asked Council to consider whether the identified goals of the plan were appropriate.

Councilmember Thomasson suggested that partnerships with the Des Moines Boosters and the Pacific Highway South group also be mentioned on Page 5 of the plan.

In response to Councilmember Sheckler's concerns, City Manager Piasecki said that he would invite the Chamber of Commerce to the meeting when this issue came back to Council.

In regard to the proposed plan document, Councilmember Thomasson objected to the use of the word "luckily" on Page 3 as it implied that everything was broken and needed fixed.

Community Development Director Kilgore questioned whether she should add an accomplishment section to the plan.

Regarding the goals of the plan, Councilmember Thomasson made the following comments:

- Attract desirable new employers consistent with the areas quality of life - Council was not yet in agreement on what was desirable for the community. The plan should identify which types of businesses were desirable.
- Eliminate excessive regulatory restrictions while preserving a high level of health and safety in the community – Define the term "excessive".
- Focus initial revitalization efforts to the downtown and Pacific Ridge communities – "Revitalized" was not the proper term. He questioned when Des Moines was more vitalized than the present.
- Improve the image of the city through a targeted marketing and promotion program – Council had not yet identified the image to be projected.
- Develop a broad base of community support for economic development efforts including innovative public/private partnerships – Language needed to be more specific.
- Maintain and upgrade where necessary roads, utilities and other infrastructure improvements – The statement implied that these actions only needed to be done in a few areas. The tone of the goal should reflect what the City had already accomplished and what items were left to accomplish.

Community Development Director Kilgore noted that Webster Dictionary defined "revitalization" as "new life or vigor to".

In regard to the goal concerning the city's image, Mayor Steenrod said that she has heard that developers have a negative image of Des Moines. Specifically, they felt that Des Moines has a difficult permitting process, an out-of-date code, and excessive regulations.

Community Development Director Kilgore informed Council that the applicable Des Moines Municipal Code section had not been substantially changed since its adoption in 1964.

Councilmember Thomasson noted that updating the Code had been on the department's work plan for some time. He asked that the Economic Development Plan identify the specific image to be improved.

Community Development Director Kilgore stated that the southwest King County area had a negative image for developers. She said that the goal statement addressed both the city's and the area's image needs.

Councilmember Sheckler said that an ambiguous plan would be difficult to accomplish.

City Manager Piasecki suggested that the plan be remanded back to the Finance and Economic Development Committee to eliminate excess words and to develop exact wording.

In response to Councilmember White's questioning, Community Development Director Kilgore said that staff had spent approximately 100 hours developing the plan.

Mayor Steenrod said that the term "luckily" was meant to mean "fortunate to have". She voiced agreement with City Manager Piasecki's suggestion that the goal's plans be made more specific. She asked if Council agreed that infrastructure, retention, and workforce development should be the areas of focus.

Councilmember Thomasson stated that the goals were a matter of philosophical opinion regarding the role of government versus the role of the private sector. He said that, personally, he felt business development and retention should be led by the private sector, infrastructure was a responsibility of government, and workforce development was a duty of the schools. He questioned how involved the City should be given its limited budget when other agencies were available to assist.

Councilmember Sheckler suggested that Council follow the model used during the Pacific Ridge process and bring the key members to the table to determine an economic development plan.

Mayor Steenrod said that Council was necessary to the process as they could remove some roadblocks to business development, empower staff, and make the process for developers easier.

Councilmember Thomasson said that he had not heard of any specific city regulations that have forced existing businesses to close. He felt competition, lack of market demand, or failed companies were the reasons businesses failed. Councilmember Thomasson said that if development costs, such as for a State required retention pond, were not paid by the developer, then the compliance costs would be shifted to the citizens.

Councilmember Sheckler voiced his opinion that it was necessary to meet with the key players to identify concerns and code problems.

Councilmember White suggested that the City also work with the Southwest King County Development Group on economic development. She asked business owners leaving the City to write a letter stating their reasons for doing so in order for the issues to be addressed.

Community Development Director Kilgore said that she could rewrite the plan as a work program with four or five projects identified and present it to Council for approval.

Councilmembers Sheckler and White voiced agreement with Community Development Director Kilgore's suggestion.

City Manager Piasecki questioned whether Council wished staff to be more aggressive in promoting economic development. He cited marketing properties or obtaining a CDBG float loans as examples of potential aggressive actions.

Councilmember Sheckler said that he would like to see a list of code problems related to economic development.

Community Development Director Kilgore asked if Council wished her to prepare a memo, with the assistance of the Finance and Economic Development Committee, listing four or five items with the highest priority, identifying the reasons, and providing a recommended timeline for implementation.

Councilmembers Sheckler and White agreed.

Mayor Steenrod said that the list should provide more specific information concerning the activities that could be tackled, the potential staff time required, and the financial ramifications involved.

Councilmember Thomasson commented that small incremental improvements would at least move the City toward improved economic development.

Council concurred that a memorandum detailing a more specific plan should be developed.

Draft Ordinance No. 02-177 - Mobile Home Park Regulations - 1st Reading

Community Development Director Kilgore identified the following recommended revisions to DMMC 14.48:

- Minor changes to the definition section to provide more current language.
- Require an annual inspection of mobile home parks for compliance with code provisions.
- Include language detailing failure to remedy corrections found at the annual inspection as a basis to revoke the business license.
- Require all fire lanes to be clearly marked and remain free of parking.
- Require all outdoor storage areas in and around mobile homes to be adequately screened.
- Clarify language requiring mobile home park owners to be responsible for collection and disposal of solid waste.
- Allow the required site plan to be prepared by an engineer or surveyor or in a form acceptable to the Community Development Department.
- Allow owners until June 30, 2003 the opportunity to provide the required site plan.

In response to the proposed revisions to the draft ordinance submitted by Gordon M. Gray of Gray Businesses, Community Development Director Kilgore recommended the following:

- Paragraph 1 – "The site plan shall be submitted in conjunction with the application or renewal of a business license as required by DMMC 14.44.050." – Delete the proposed ending to the sentence as it is repetitious.
- DMMC 14.48.280 – Okay to add "and configuration" if the following language is also included: " and subject to the setbacks which were in place at the time the mobile home was placed."
- DMMC 14.48.280(1) – Set a specific date that is at least six months after Council's approval of the proposed ordinance.
- DMMC 14.48.280(2) - Strike "provided they are not more restrictive than those in place at the time the mobile home park was constructed". The city must adhere to current fire, parking, and building codes
- DMMC 14.48.290 – Repetitious but okay.

Councilmember Thomasson asked that an "originally approved development plan" be defined. He also asked whether the replacement of a single-wide mobile home with a double or triple-wide mobile home would be permitted under the proposed ordinance. Since the City had bought a row of mobile homes as part of the Pacific Highway South project, Councilmember Thomasson questioned what the site plan would be for that mobile home park.

City Attorney Marousek suggested that Councilmember Thomasson's last question be discussed in executive session as it was currently in litigation.

Mayor Steenrod asked that an executive session be conducted prior to Council's second reading of the proposed ordinance.

Councilmember Thomasson suggested that the last sentence of DMMC 14.48.040(1) regarding recreational vehicles be placed in the rights-of-way code section rather than in the mobile home park section. He recommended that the definition of mobile homes and recreational vehicles be clarified.

At 10:27 p.m., **<u>motion</u>** was made by Councilmember Thomasson, seconded by Councilmember Petersen, and passed unanimously to extend the meeting by five minutes.

<u>MOTION</u> was made by Councilmember Thomasson, seconded by Councilmember Sheckler and passed unanimously to incorporate the Community Development Director's recommendations into the proposed ordinance.

Mayor Steenrod voiced agreement with Councilmember Thomasson's statement regarding the placement of the language pertaining to recreational vehicles.

<u>MOTION</u> was made by Councilmember Thomasson, seconded by Councilmember Sheckler and passed unanimously to pass Draft Ordinance 02-177 on to a second reading with the changes discussed incorporated into the ordinance.

<u>Reconsideration of RCAA Final Billing</u>

Mayor Steenrod said that the subject would be discussed at Council's next meeting.

<u>NEXT MEETING DATE</u> - Study Session March 6, 2003

ADJOURNMENT

At 10:29 p.m., **MOTION** was made by Councilmember Wasson and seconded by Councilmember White to adjourn the meeting. **VOTE ON MOTION**: Motion passed, 5 – 1, with Councilmember Sheckler opposed.

Respectfully submitted,

Angela M. Chaufty
Deputy City Clerk